



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext 116  
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Minutes  
July 8, 2008

**Present:**

**ES:** Ed Smith, Chairman

**RS:** Robert Sherburne

**MM:** Matt Marro, Conservation Director

**LG:** Lucy Gertz

**PB:** Paul Barker

**WL:** William Look

**JK:** Jeff Kablick

**Absent:**

**HJ:** Henry Jungmann, Vice-Chairman

**7:00pm Meeting opened by Ed Smith**

**7:00pm Nelson Ruiz – 3 Bowers Ave. (M32A, P54, L5) – Request for Determination of Applicability** whether proposed stone retaining wall construction plan is an area subject to jurisdiction to the WPA.

**JK:** Motion to waive the reading of the legal notice

**WL:** 2<sup>nd</sup> the motion

**Unanimous: 6-0**

**JK:** Motion to waive the reading of the abutters list.

**WL:** 2<sup>nd</sup> the motion

**Unanimous: 6-0**

The applicant, Nelson Ruiz, explained that the stone retaining wall will be a replacement for an existing wood wall that has rotted and failed on the property. After making a site visit to this address, **MM** recommended a Negative Determination.

**JK:** Motion to close the hearing for 3 Bowers Ave.

**WL:** 2<sup>nd</sup> the motion

**Unanimous: 6-0**

**JK:** Motion to issue a Negative Determination for 3 Bowers Ave.

**WL:** 2<sup>nd</sup> the motion

**In Favor: 5 Abstain: 1**

**7:05pm Missick Realty Trust – 92, 94, 96, 98, 100, 107 & 110 Massapoag Rd. (M3, P2, 3, 4, 4-5, 4-6, 4-7, & 4-8) – Request for a 3 year Extension to Order of Conditions, DEP# 309-744 issued 6/29/05 for proposed roadway improvements, parking, drainage, grading, and associated utilities.**

**Missick Realty Trust – 92, 94, 96, 98, 100, 107 & 110 Massapoag Rd. (M3, P2, 3, 4, 4-5, 4-6, 4-7, & 4-8) – Request for a 3 year Extension to Order of Conditions, DEP# 309-719 issued 6/29/05 to construct (5) driveways, grading, grass swales, and associated utilities.**

**MM** explained that this is an extension to the original Order of Conditions that was already approved by the Commission, and recommended a (3) year extension in order for this work to continue.

**JK:** Motion to approve the Extension to Order of Conditions for **Missick Realty Trust – 92, 94, 96, 98, 100, 107 & 110 Massapoag Rd. (M3, P2, 3, 4, 4-5, 4-6, 4-7, & 4-8), DEP#s 309-744 and 309-719 issued 6/29/05 for 3 years (2011).**

**PB:** 2<sup>nd</sup> the motion

**Unanimous: 6-0**

**7:20pm**      **Dracut Water Supply District – 170 Frost Road (M18, P7, L0) DEP 309-0814 – Notice of Intent** for proposing to raise an existing meter house, construct an addition to the corrosion facility building, retaining wall, construct (2) well buildings and associated gravel drive, construct wing retaining walls and associated riprap, construct a flood wall to water pump house No. 1, provide compensatory flood storage, grading and associated utilities. Continued hearing from 6/10/08.

Steven Erickson appeared as representative for the applicant and presented the proposed project plans. He indicated that National Heritage responded with no issues concerning the project. Considering that DEP and National Heritage did not have any issues with the proposed plan, **MM** recommended approving the Notice of Intent.

**PB:** Motion to close the hearing for **Dracut Water Supply District – 170 Frost Rd.**

**ES:** 2<sup>nd</sup> the motion

**In Favor: 4    Abstain: 2**

**PB:** Motion to approve the Notice of Intent for **Dracut Water Supply District – 170 Frost Road (M18, P7, L0) DEP 309-0814 – Notice of Intent** for proposing to raise an existing meter house, construct an addition to the corrosion facility building, retaining wall, construct (2) well buildings and associated gravel drive, construct wing retaining walls and associated riprap, construct a flood wall to water pump house No. 1, provide compensatory flood storage, grading and associated utilities

**WL:** 2<sup>nd</sup> the motion

**In Favor: 4    Abstain: 2**

**7:35pm**      **Fernando Victor – 4 Dabilis Ave. 9M17, P7, L2) – Enforcement Order** for filling and grading within the buffer zone.

Homeowner explained that he did not know the regulations and therefore had begun work on his property without the proper Conservation commission and DEP filings. **MM** had a meeting with the homeowner who is cooperating with the Commission. **MM** recommended that a Retroactive Notice of Intent with project plans be filed with the Conservation Commission and DEP. A meeting was scheduled with the homeowner and **MM** on Monday July 14, 2008 to help with these filings.

#### **Director's Determinations and Report:**

- A Director's Determination for a site visit to 6 Vermont Rd. (M2, P123, L0) for the proposed construction of a garage addition.

**JK:** Motion to approve the Director's Determination for 6 Vermont Rd. (M2, P123, L0)

**WL:** 2<sup>nd</sup> the motion

**Unanimous: 6-0**

## **Minutes/Sign Forms/Other Business**

- Minutes from 5/27/08 meeting  
**JK:** Motion to accept the minutes from 5/27/08  
**RS:** 2<sup>nd</sup> the motion  
**In Favor: 5    Abstain: 1**

### **Sign Forms:**

- Signed forms for the following voted on June 10, 2008
  - **54 Pawtucket Blvd. (M20, P73, L0) – Order of Conditions DEP# Pending**
  - **267 Pawtucket blvd. (M34, P17, L0) – Order of Conditions DEP# 309-0809**
  - **20 Upton Dr. (M20A, P33, L0) – Order of Conditions DEP# 309-0813**
  - **Dunstable Rd. (M22, P24, L0) – Order of Resource Delineation DEP# 309-0812**
- JK: Signed the following forms voted on May 27<sup>th</sup> :
  - **7 Old Hickory Road (M8, P41, L5) – Negative Determination of Applicability**
  - **14 Anderson Drive (M8, P63, L2) – Negative Determination of Applicability**
  - **194 Massapoag Road (M2, P25, L0) – Negative Determination of Applicability**
  - **105 Chestnut Road (M8, P24A, L0) – Negative Determination of Applicability**
  - **34 & 32 Groton Road, Ingalls Road (M3 & 9, P14, 14-2 & 15) – Order of Resource Area Delineation**
  - **Mascuppic Trail (M32B, P28A, 29, 31, 33, 56, 61 & 61A) – Order of Conditions 309-0811**
- Minutes from the 6/10/08 meeting could not be approved as no copy was available to the members to review.

Meeting adjourned at 8:00 PM

**JK:** Motion to adjourn  
**WL:** 2<sup>nd</sup> the motion  
**Unanimous 6-0**

Respectfully submitted  
Pamela Berman, Conservation Clerk